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GOVERNOR KATHY HOCHUL

GOVERNOR HOCHUL ANNOUNCES MAJOR ACTION TO ADDRESS WINTER SURGE AND PREVENT BUSINESS DISRUPTION AS COVID-19 CASES AND HOSPITALIZATIONS RISE STATEWIDE

Hochul Shares New Yorkers' Frustration with Winter Surge, Says We Do Not Have to Be Here But We Are

Hochul Thanks More than 80% of New Yorkers for Getting Fully Vaccinated and Doing the Right Thing

To Protect the Health of New Yorkers, Businesses and Venues Must Implement a Mask Requirement or Require Proof of Fully Vaccinated Status

Hochul Gives Options to Businesses with Mask or Vaccine Requirement

State to Reassess Measure on Jan. 15, 2022

Governor Kathy Hochul today announced masks will be required to be worn in all indoor public places unless businesses or venues implement a vaccine requirement. This a major action to address the winter surge comes as COVID-19 [cases and hospitalizations rise statewide](#) to be in alignment with the [CDC's recommendations](#) for communities with substantial and high transmission. The State Health Commissioner issued a determination solidifying the requirement.

This determination is based on the State's weekly seven-day case rate as well as increasing hospitalizations. The new business and venue requirements extend to both patrons and staff. This measure is effective Dec. 13, 2021 until Jan. 15, 2022, after which the State will re-evaluate based on current conditions. The new measure brings added layers of mitigation during the holidays when more time is spent indoors shopping, gathering, and visiting holiday-themed destinations.

"As Governor, my two top priorities are to protect the health of New Yorkers and to protect the health of our economy. The temporary measures I am taking today will help accomplish this through the holiday season. We shouldn't have reached the point where

we are confronted with a winter surge, especially with the vaccine at our disposal, and I share many New Yorkers' frustration that we are not past this pandemic yet," **Governor Hochul said**. "I want to thank the more than 80 percent of New Yorkers who have done the right thing to get fully vaccinated. If others will follow suit, these measures will no longer be necessary."

"I have warned for weeks that additional steps could be necessary, and now we are at that point based upon three metrics: Increasing cases, reduced hospital capacity, and insufficient vaccination rates in certain areas," **Governor Hochul added**.

Since Thanksgiving, the statewide seven-day average case rate has increased by 43% and hospitalizations have increased by 29%. While the percentage of New Yorkers fully vaccinated continues to increase—gaining 2% from Thanksgiving weekend to now—the uptick is not fast enough to completely curb the spread of the virus, particularly among communities with low vaccination coverage.

The State Department of Health has produced nation-leading studies, published in the CDC's [MMWR](#) and the [New England Journal of Medicine](#), which demonstrate the COVID-19 vaccines' effectiveness - particularly in preventing severe disease. The Department continues to urge eligible New Yorkers of all ages to get fully vaccinated and boosted as soon as possible.

Acting Health Commissioner Dr. Mary T. Bassett said, "Community spread requires a community-minded solution, as the Omicron variant emerges and the overwhelmingly dominant Delta variant continues to circulate. We have the tools we need to protect against the virus - and now we must ensure we use them. There are tools each individual can use, and there are actions we can take as government. Getting vaccinated protects you, and wearing a mask is how we will better protect each other. Both vaccination and mask-wearing are needed to slow this COVID-19 winter surge."

A violation of any provision of this measure is subject to all civil and criminal penalties, including a maximum fine of \$1,000 for each violation. Local health departments are being asked to enforce these requirements.

Business/Venue Proof of Full-Course Vaccination Requirement

Businesses and venues who implement a proof of vaccination requirement can accept Excelsior Pass, Excelsior Pass Plus, SMART Health Cards issued outside of New York State, or a CDC Vaccination Card. In accordance with CDC's definition of fully vaccinated, full-course vaccination is defined as 14 days past an individual's last vaccination dose in their initial vaccine series (14 days past the second shot of a two-dose Pfizer-BioNTech or Moderna vaccine; 14 days past the one-shot Janssen/Johnson & Johnson vaccine). The State also accepts WHO-approved vaccines for these

purposes. Parents and guardians can retrieve and store an Excelsior Pass and/or Excelsior Pass Plus for children or minors under legal guardianship.

Business/Venue Mask-Wearing Requirement

Businesses and venues that implement a mask requirement must ensure all patrons two years and older wear a mask at all times while indoors.

Continued Masking Requirements

Unvaccinated individuals continue to be responsible for wearing masks, in accordance with [federal CDC guidance](#). Further, the State's masking requirements continue to be in effect for [pre-K to grade 12 schools](#), public transit, homeless shelters, correctional facilities, nursing homes, and health care settings per CDC guidelines.

New York State and the State's Department of Health continue to strongly recommend mask-wearing in all public indoor settings as an added layer of protection, even when not required. Children 2 - 5 who remain ineligible for vaccination must wear a proper-fitting mask.

COVID-19 vaccines and [booster doses](#) are free and widely available statewide. New Yorkers can visit [vaccines.gov](#), text their ZIP code to 438829, or call 1-800-232-0233 to find nearby locations. To schedule an appointment at a state-run mass vaccination site, New Yorkers can visit the [Am-I-Eligible site](#). New Yorkers can also contact their health care provider, county health departments, Federally Qualified Health Centers (FQHCs), rural health centers, or pharmacies.

New Yorkers can retrieve their Excelsior Pass or Excelsior Pass Plus [here](#). Businesses and venues can download the [Excelsior Pass Scanner app](#)—free for any business nationwide and available in more than ten languages—[here](#).

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